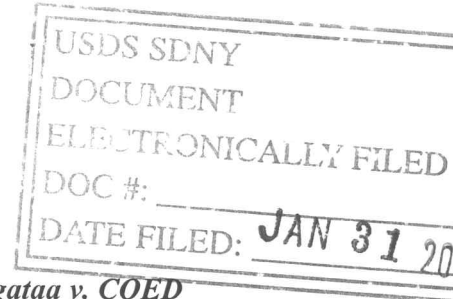


MEMO ENDORSED

BY ECF

January 30, 2017

Honorable Lewis A. Kaplan, U.S.D.J.
 United States District Court for the Southern District of New York
 Daniel Patrick Moynihan United States Courthouse
 500 Pearl Street
 New York, NY 10007



Re: *Kanongataa v. ABC/Yahoo, Kanongataa v. NBCUniversal, Kanongataa v. COED*
Docket No. 1:16-cv-7382, -7383, -7472(LAK)

Dear Judge Kaplan,

We represent the Plaintiff Kali Kanongataa in the three related cases referenced above. We write to respectfully ask permission to file a sur-reply on a pending motion in all three cases. The Defendants have filed a pre-answer motion to dismiss based on alleged fair use. They seek a drastic relief based on a fact-sensitive inquiry without much a record to draw upon. In their respective replies, the Plaintiff's position is mischaracterized, misconstrued and the Defendants rely on caselaw not previously found in their motion papers. The Plaintiff deserves the opportunity to respond to these replies. We respectfully request the Court's leave to file a sur-reply to adequately and fully brief the motion. We appreciate Your Honor's attention and consideration.

Dated: January 30, 2017

Respectfully Submitted,

LIEBOWITZ LAW FIRM, PLLC

By: /s/Richard Liebowitz

Richard Liebowitz

Yekaterina Tsyvkin

11 Sunrise Plaza, Suite 305

Valley Stream, New York 11580

Tele: 516-233-1660

RL@LiebowitzLawFirm.com

Attorneys for Kali Kanongataa

*The motion to file a sur-reply
 is denied. The Court will
 hear oral argument on
 2/15/17 at 9:30 a.m.*

SO ORDERED

Lewis A. Kaplan
 LEWIS A. KAPLAN, USDJ

1/31/17